

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5081 of 2023**

Arising Out of PS. Case No.-71 Year-2022 Thana- ROSHANGANJ District- Gaya

RAIFAL @ RAMFAL RANJAN KUMAR @ BABUA Son of Rajendra Prasad @ Rajendra Mahto R/o vill - Bihargain, P.s. - Roshanganj, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukumari Devi W/o Ajay Mandal R/o vill - Bihargain, Bhuin Toli, P.s. - Roshanganj, Distt. - Gaya

... .. Respondent/s

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Appellant/s  | : | Mr.Md. Javed Jafar Khan |
| For the Respondent/s | : | Mr.Binay Krishna        |

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
ORAL ORDER

3      01-02-2024                      Heard learned counsel for the appellant, learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 18.09.2023 passed by learned Exclusive Special Judge SC/ST POA Act, Gaya whereby the prayer for bail of the appellant in connection with Roshanganj P.S. Case no. 71 of 2022 under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. Allegation against the appellant is that he along with other entered in the house of the informant while she was cooking food and they started assaulting and abusing her by



taking her caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. There is delay of 11 days in lodging the FIR without given any cogent reason. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. There is no specific allegation against the appellant rather general and omnibus allegation levelled against him. It is further submitted that the appellant is languishing in judicial custody since 09.08.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.09.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Roshanganj P.S. Case no. 71 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned Exclusive Special Judge SC/ST POA Act, Gaya.

(Sunil Kumar Panwar, J)

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